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**APPEAL BRIEF
FEE TRANSMITTAL**

APPEAL BRIEF FEE TRANSMITTAL	Attorney Docket No.	826.1664	
	Application Number	09/760,878	
	Filing Date	January 17, 2001	
	First Named Inventor	Takahiko KAWASHIMA, et al.	
	Group Art Unit	3625	
AMOUNT ENCLOSED	500.00	Examiner Name	James H. Zurita

FEE CALCULATION (fees effective 12/08/04)

CLAIMS AS AMENDED	Claims Remaining After Amendment	Highest Number Previously Paid For	Number Extra	Rate	Calculations
TOTAL CLAIMS	14	- 20 =	0	X \$ 50.00 =	\$ 0.00
INDEPENDENT CLAIMS	4	- 5 =	0	X \$ 200.00 =	0.00

Since an Official Action set an original due date of July 25, 2006, petition is hereby made for an extension to cover the date this reply is filed for which the requisite fee is enclosed (1 month (\$120)); (2 months (\$450)); (3 months (\$1,020)); (4 months (\$1,590)); (5 months (\$2,160)):

0.00

If an Appeal Brief is enclosed, add (\$500.00)

If Statutory Disclaimer under Rule 20(d) is enclosed, add fee (\$130.00)

500.00

Information Disclosure Statement (Rule 1.17(p)) (\$180.00)

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TOTAL FEES DUE =

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- (1) If entry (1) is less than entry (2), entry (3) is "0".
(2) If entry (2) is less than 20, change entry (2) to "20".
(4) If entry (4) is less than entry (5), entry (6) is "0".
(5) If entry (5) is less than 3, change entry (5) to "3".

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Deposit Account Name STAAS & HALSEY LLP
- ☒ The Commissioner is also authorized to credit any overpayments or charge any additional fees required under 37 CFR 1.16 (filing fees) or 37 CFR 1.17 (processing fees) during the prosecution of this application, including any related application(s) claiming benefit hereof pursuant to 35 USC § 120 (e.g., continuations/divisionals/CIPs under 37 CFR 1.53(b) and/or continuations/divisionals/CPAs under 37 CFR 1.53(d)) to maintain pendency hereof or of any such related application.

SUBMITTED BY: STAAS & HALSEY LLP

Typed Name	Paul W. Bobowiec	Reg. No.	47,431
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Docket No. 826.1664

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Takahiko KAWASHIMA, et al.

Application No.: 09/760,878

Group Art Unit: 3625

Filed: January 17, 2001

Examiner: James H. Zurita

For: DOCUMENT MANAGING APPARATUS FOR MANAGING TRANSACTION SLIP DATA IN
ELECTRONIC COMMERCE

APPEAL BRIEF UNDER 37 CFR §41.37

Mail Stop Appeal Brief-Patents

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

Sir:

In a Notice of Appeal filed May 25, 2006, the applicant appealed the Examiner's rejections of claims 1-2 and 4-14 asserted in the Office Action mailed March 21, 2006, and with the requisite fee set forth in 37 CFR § 41.20(b)(2).

The due date for filing of the Appellant's Brief is July 25, 2006. The Appellant's Brief with the requisite fee set forth in 37 CFR § 1.17 is submitted herewith.

07/26/2006 JADD01 00000628 09760878

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I. REAL PARTY IN INTEREST (37 CFR § 41.37(c)(1)(i))

The real party in interest is Fujitsu Limited, the assignee of the subject application.

II. RELATED APPEALS AND INTERFERENCES (37 CFR § 41.37(c)(1)(ii))

Appellant, Appellants' legal representatives, and assignee are not aware of any prior or pending appeals or interferences which directly affect or are directly affected by, or have a bearing, on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS (37 CFR § 41.37(c)(1)(iii))

Claims 1-2 and 4-14 are pending.

Claims 1-2 and 4-14 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement and are on appeal.

Claims 1-2 and 4-14 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention and are on appeal.

Claims 1-2 and 4-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chang et al. (U.S.P 6,584,459) (Chang) and are on appeal.

IV. STATUS OF AMENDMENTS (37 CFR § 41.37(c)(1)(iv))

An Amendment, including a Substitute Specification, was filed March 29, 2005 (Amendment 1) in response to the Office Action mailed October 29, 2004 (previous Action 1).

An Amendment After Final Rejection, Request For Reconsideration, And Statement On Substance Of Interview was filed on November 28, 2005 (Amendment 2) in response to the Office Action mailed June 28, 2005 (previous Action 2). An Advisory Action was mailed on December 9, 2005 indicating that Amendment 2 would not be entered.

A Preliminary Amendment (Amendment 3) was filed in conjunction with a Request For Continued Examination in response to the Office Action mailed June 28, 2005 (previous Action 3).

An Office Action was mailed March 21, 2006. A Notice of Appeal was filed May 25, 2006,

No amendment(s) has been filed subsequent to the final rejection made on March 21, 2006.

V. SUMMARY OF CLAIMED SUBJECT MATTER (37 CFR § 41.37(c)(1)(v))

The claimed invention in independent claim 1 recites a managing apparatus for managing a document including transaction slip data used in electronic commerce with a database device (see, for example, FIG. 3 and database device 3, paragraph [0024]). The apparatus of claim 1 includes a data extracting unit extracting structure data as a search item of the document including transaction slip data therefrom (see, for example, FIG. 3 and data/transaction slip data extracting unit 202, paragraph [0024]). The apparatus of claim 1 also includes a storing unit storing the structure data extracted by said data extracting unit 202 as management data 4 that is correlated with the transaction slip data 1 (see, for example, FIG. 3 and database device 3, FIG. 5, and FIG. 16, paragraphs [0024], [0030], and [0031]).

Claim 1 also recites a transaction slip data extracting unit searching the management data 4 so as to extract the transaction slip data that is correlated with management data (see, for example, FIG. 3 and data/transaction slip data extracting unit 202, FIG. 5, and FIG. 16, paragraphs [0024], [0030], and [0031]). The claimed invention in claim 1 also recites a transmitting unit transmitting the transaction slip data extracted by said transaction slip data extracting unit 202 and a receiving unit receiving the transmitted transaction slip data (see, for example, FIG. 3, FIG. 4, and FIG. 16 and receiving unit 1599, paragraphs [0024] and [0062]). Claim 1 also recites a converting unit converting a first format of the received transaction slip data 1 into a second format based on a transmission destination (see, for example, FIG. 3 and converting unit 16c and FIG. 7, paragraphs [0037], and [0048]-[0053]).

Claim 1 also includes wherein the first format of the received transaction slip data 1 is useable by an order issuer 11 and the second format based on a transmission destination is useable by an order acceptor 12 in an electronic business transaction between the order issuer 11 and the order acceptor 12 without requiring a tailoring of servers of the order issuer 14 and the order acceptor 16 (see, for example, FIG. 3, FIG. 7 and FIG. 8, and paragraphs [0048]-[0053]).

The claimed invention in independent claim 6 recites a computer-readable medium 1510 storing a program that causes a computer as an information apparatus to manage transaction slip data used in electronic commerce by extracting structure data as a search item of a transaction slip data document therefrom (see, for example, FIG. 3 and FIG. 16). The computer-readable medium storing a program recited by claim 6 causes a computer as an information apparatus to manage transaction slip data 1 used in electronic commerce by further storing the structure data extracted as management data 4 in correlation with the transaction slip data 1 (see, FIG. 6, paragraphs [0025], and [0032]-[0034]). Claim 6 further recites searching the management data so as to extract

the correlated transaction slip data; transmitting the transaction slip data extracted; receiving the transmitted transaction slip data (see, FIG. 3 and FIG. 6, paragraph [0025]).

The computer-readable medium storing a program recited by claim 6 causes a computer as an information apparatus to manage transaction slip data used in electronic commerce by further converting a first format of the received transaction slip data 1 into a second format based on a transmission destination (see, for example, FIG. 3, FIG. 9, FIG. 10, and FIG. 11, paragraphs [0048]-[0053]). Claim 6 further recites wherein the first format of the received transaction slip data 1 is useable by an order issuer 11 and the second format based on a transmission destination is useable by an order acceptor 12 in an electronic business transaction between the order issuer 11 and the order acceptor 12 without requiring a tailoring of servers of the order issuer 14 and the order acceptor 16 (see, FIG. 3 and FIG. 7, paragraphs [0037]-[0043]).

The claimed invention in independent claim 7 recites a method of managing transaction slip data used in electronic commerce. The claimed invention in claim 7 further recites extracting structure data as a search item of a document including transaction slip data 1 therefrom (see, for example, FIGs. 10 and 12, paragraph [0050] and [0055]). The method according to claim 7 recites storing the extracted structure data in a memory 3 as management data 4 that is correlated with the transaction slip data (see, paragraph [0062]).

Claim 7 further recites searching the stored management data 4 so as to extract transaction slip data that is correlated with the management data and transmitting the extracted transaction slip data 7 over a network 1506 and receiving the transmitted transaction slip data. (see, for example, FIG. 3 and FIG. 16). The method according to claim 7 recites converting a first format of the received transaction slip data 1 into a second format based on a transmission destination. Claim 7 further recites wherein the first format of the received transaction slip data is usable by an order issuer 11 and the second format based on a transmission destination is useable by an order acceptor 12 in electronic business without a tailoring of servers of the order issuer 11 and the order acceptor 12 (see, for example, FIG. 12, paragraph [0062]).

The claimed invention of independent claim 11 recites a computer-readable medium storing a program to perform managing transaction slip data used in electronic commerce, by extracting structure data as a search item of a document including transaction slip data (see, for example, FIG. 4 and S11). The computer-readable medium storing a program according to claim 11 performs managing transaction slip data used in electronic commerce, by further storing the extracted structure data as management data that is correlated with the transaction slip data and searching the management data so as to extract the transaction slip data that is correlated with management data.

Claim 11 further recites transmitting the extracted transaction slip data, receiving the transmitted transaction slip data, and converting (S32) a first format of the received transaction slip data 1 into a second format based on a transmission destination (see, for example, FIG. 3, FIG. 7 and FIG. 11). According to claim 11 the first format of the received transaction slip data is used by an order issuer 11 and the second format is based on a transmission destination that is useable by an order acceptor 12 in electronic business without a tailoring of servers of the order issuer 14 and the order acceptor 16 (see, for example, FIG. 3 and FIG. 7, paragraphs [0037]-[0043]).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL (37 CFR § 41.37(c)(1)(vi))

The first ground of rejection to be reviewed is the rejection of claims 1-4 and 4-14 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

The second ground of rejection to be reviewed is the rejection of claims 1-4 and 4-14 under 35 U.S.C. §112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention.

The third ground of rejection to be reviewed is the rejection of claims 1-2 and 4-14 under 35 U.S.C. §103(a) as being unpatentable over Chang et al. (U.S.P 6,584,459) (Chang). Claims are each independently patentable over the reference as set forth below, and do not stand or fall together.

VII. ARGUMENT (37 CFR § 41.37(c)(1)(vii))

All arguments are directed to the grounds of rejection. All citations to the "Office Action" refer to the last Office Action of March 21, 2006.

1. FIRST GROUND OF REJECTION

In the Office Action, the Examiner rejects claims 1-4 and 4-14 under 35 U.S.C. §112, first paragraph, "as failing to comply with the written description requirement." (Office Action at page 7). The Examiner contends:

The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. This rejection is presented for purposes of clarifying the record. The specification(s) [sic] appear to be a literal translation from a foreign document. It is difficult to correlate the limitations of the claims with the specification and drawings.

(Office Action at page 7).

A. The Law Regarding the Issue related by the Examiner

As set forth in 35 U.S.C. §112, first paragraph:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same.

As set forth in the Manual Of Patent Examining Procedure (MPEP) (8th ed. Rev. 4 October 2005) §2163 entitled Standard for Determining Compliance With the Written Description Requirement:

The examiner has the initial burden of presenting by a preponderance of evidence why a person skilled in the art would not recognize in an applicant's disclosure a description of the invention defined by the claims. *Wertheim*, 541 F.2d at 263, 191 USPQ at 97. . . In rejecting a claim, the examiner must set forth express findings of fact regarding the above analysis which support the lack of written description conclusion. These findings should: (A) Identify the claim limitation at issue; and (B) Establish a *prima facie* case by providing reasons why a person skilled in the art at the time the application was filed would not have recognized that the inventor was in possession of the invention as claimed in view of the disclosure of the application as filed. A general allegation of "unpredictability in the art" is not a sufficient reason to support a rejection for lack of adequate written description.

(Emphasis added).

Further as set forth in MPEP §2163 entitled Compliance With the Written Description Requirement:

The courts have described the essential question to be addressed in a description requirement issue in a variety of ways. An objective standard for

determining compliance with the written description requirement is, "does the description clearly allow persons of ordinary skill in the art to recognize that he or she invented what is claimed." *In re Gosteli*, 872 F.2d 1008, 1012, 10 USPQ2d 1614, 1618 (Fed. Cir. 1989). Under *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 1563-64, 19 USPQ2d 1111, 1117 (Fed. Cir. 1991), to satisfy the written description requirement, an applicant must convey with reasonable clarity to those skilled in the art that, as of the filing date sought, he or she was in possession of the invention, and that the invention, in that context, is whatever is now claimed.

The test for sufficiency of support in a parent application is whether the disclosure of the application relied upon "reasonably conveys to the artisan that the inventor had possession at that time of the later claimed subject matter." *Ralston Purina Co. v. Far-Mar-Co., Inc.*, 772 F.2d 1570, 1575, 227 USPQ 177, 179 (Fed. Cir. 1985) (quoting *In re Kaslow*, 707 F.2d 1366, 1375, 217 USPQ 1089, 1096 (Fed. Cir. 1983)).

Whenever the issue arises, the fundamental factual inquiry is whether the specification conveys with reasonable clarity to those skilled in the art that, as of the filing date sought, applicant was in possession of the invention as now claimed. See, e.g., *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 1563-64, 19 USPQ2d 1111, 1117 (Fed. Cir. 1991).

B. Errors in Examiner's Contention

Appellant submits that the Examiner has not presented, as required, by a preponderance of evidence why a person skilled in the art would not recognize in an applicant's disclosure a description of the invention defined by the claims. Further, the Appellant submits that the Examiner has not set forth, as required, express findings of fact regarding the above analysis which support the lack of written description conclusion.

Appellant submits that a description of the invention is provided in the specification so as to be recognized by one of ordinary skill in the art. A general description of an aspect of the present invention is provided in paragraph [0022] which discusses:

When an electronic data exchanging process is performed in inter-company electronic commerce, transaction slip data is searched for particular element data as a search object. Thus, when transaction slip data is stored, element data as a search object is pre-stored to a management data area. As a result, when required transaction slip data is extracted in the electronic data exchanging process, the searching process is performed for only data stored in the management data area rather than all the transaction slip data. Thus, the searching process can be performed at high speed.

Paragraph [0066] summarizes so as to be recognized by one of ordinary skill in the art that

According to the present invention, a document structure of data elements to be searched is extracted from a document structure of a document including transaction slip data. Management data and content data are stored in different documents. The management data and the content data are linked with a document identifier. Since only management data is searched, the searching

process can be effectively performed. In addition, since the structure of management data can be easily changed corresponding to the content of the electronic data exchanging process, a document managing function corresponding to the structure of the system can be provided.

Recited terms are defined within the specification so as to be recognized by one of ordinary skill in the art. For example "content data" is defined in paragraph [0025] as data "stored in an XML document used in the inter-company electronic commerce." "Management data" is defined in paragraph [0025] as "data contained in an XML document that includes information (for example, order issuer information, order acceptor information, and transaction slip data type) that is frequently referenced from the content data during a electronic data exchanging process of inter-company electronic commerce."

Further details of the invention are presented so as to be recognized by one of ordinary skill in the art. An overall block view of present invention is illustrated for example in Fig. 3, 7-8 and 16 and discussed in paragraphs [0032]-[0047]. A transaction slip data storing process of a database managing module is illustrated in FIG. 4 and discussed in paragraphs [0028]-[0029]. A flow chart showing a content data extracting process of the database managing module is illustrated in FIG. 5 and discussed in paragraphs [0030]-[0031]. A storage of management data and content data stored in a database device is illustrated in FIG. 6 and discussed in paragraphs [0032]-[0034].

Transaction slip data format converting is illustrated in FIG. 9-11 and discussed in paragraph [0048]-[0053]. Content data transferring process in figs 12-13 and discussed in paragraphs 53-56

Appellant submits that the specification does contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same.

Further, each of the claims contains subject matter which is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s) possesses the invention.

1) Claim 1

The specification describes the claimed invention in independent claim 1 that recites a managing apparatus for managing a document including transaction slip data used in electronic commerce with a database device 3 (see, FIG. 3, paragraph [0024]). The apparatus of claim 1 includes a data extracting unit 202 extracting structure data as a search item of the document including transaction slip data therefrom (see, FIG. 3, paragraph [0024]). The apparatus of claim 1

also includes a storing unit storing the structure data extracted by said data extracting unit 202 as management data 4 that is correlated with the transaction slip data 1 (see, FIG. 3, FIG. 5, and FIG. 16, paragraphs [0024], [0030], and [0031]).

Claim 1 also recites a transaction slip data extracting unit 202 searching the management data so as to extract the transaction slip data that is correlated with management data (see, FIG. 3, FIG. 5, and FIG. 16, paragraphs [0024], [0030], and [0031]). The claimed invention in claim 1 also recites a transmitting unit transmitting the transaction slip data extracted by said transaction slip data extracting unit 202 and a receiving unit 1599 receiving the transmitted transaction slip data (see, FIG. 3, FIG. 4, and FIG. 16, paragraphs [0024] and [0062]). Claim 1 also recites a converting unit 16c converting a first format of the received transaction slip data 1 into a second format based on a transmission destination (see, FIG. 3 and FIG. 7, paragraphs [0037], and [0048]-[0053]).

Claim 1 also includes wherein the first format of the received transaction slip data 1 is useable by an order issuer 11 and the second format based on a transmission destination is useable by an order acceptor 12 in an electronic business transaction between the order issuer 11 and the order acceptor 12 without requiring a tailoring of servers of the order issuer 14 and the order acceptor 16 (see, FIG. 3, FIG. 7 and FIG. 8, and paragraphs [0048]-[0053]).

The subject matter of claim 1 is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

2) Claim 2

The specification supports claim 2 that recites a managing apparatus wherein the correlation between the management data and the transaction slip data is managed with a document identifier (S15) that is common therebetween [see, FIG. 4, paragraph [0029)].

The subject matter of claim 2 is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

3) Claim 4

The specification supports the claimed invention in dependent claim 4 that recites a managing apparatus wherein the designation of a search item as the management data is changeable by a user {see, paragraph [0064]). The subject matter of claim 4 is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

4) Claim 5

The specification supports the claimed invention in dependent claim 4 that recites a managing apparatus wherein the document including transaction slip data is an XML document, and wherein a search item is changed by changing the designation of an extraction of an item corresponding to a tag of the XML document. (See, FIG. 15, paragraphs [0011] and [0060]). The subject matter of claim 5 is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

5) Claim 6

The specification supports the claimed invention in independent claim 6 that recites a computer-readable medium 1510 storing a program that causes a computer as an information apparatus to manage transaction slip data used in electronic commerce by extracting structure data as a search item of a transaction slip data document therefrom (see, FIG. 3 and FIG. 16). The computer-readable medium storing a program recited by claim 6 causes a computer as an information apparatus to manage transaction slip data 1 used in electronic commerce by further storing the structure data extracted as management data 4 in correlation with the transaction slip data 1 (see, FIG. 6, paragraphs [0025], and [0032]-[0034]). Claim 6 further recites searching the management data so as to extract the correlated transaction slip data; transmitting the transaction slip data extracted; receiving the transmitted transaction slip data (see, FIG. 3 and FIG. 6, paragraph [0025]).

The computer-readable medium storing a program recited by claim 6 causes a computer as an information apparatus to manage transaction slip data used in electronic commerce by further converting a first format of the received transaction slip data 1 into a second format based on a transmission destination (see, FIG. 3, FIG. 9, FIG. 10, and FIG. 11, paragraphs [0048]-[0053]). Claim 6 further recites wherein the first format of the received transaction slip data 1 is useable by an order issuer 11 and the second format based on a transmission destination is useable by an order acceptor 12 in an electronic business transaction between the order issuer 11 and the order acceptor 12 without requiring a tailoring of servers of the order issuer 14 and the order acceptor 16 (see, FIG. 3 and FIG. 7, paragraphs [0037]-[0043]).

The subject matter of claim 6 is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

6) Claim 7

The specification supports the claimed invention in independent claim 7 that recites a method of managing transaction slip data used in electronic commerce. The claimed invention in claim 7 further recites extracting structure data as a search item of a document including transaction slip data 1 therefrom (see, FIGs. 10 and 12, paragraph [0050] and [0055]). The method according to claim 7 recites storing the extracted structure data in a memory 3 as management data 4 that is correlated with the transaction slip data (see, paragraph [0062]) .

Claim 7 further recites searching the stored management data 4 so as to extract transaction slip data that is correlated with the management data and transmitting the extracted transaction slip data 7 over a network 1506 and receiving the transmitted transaction slip data. (see, FIG. 3 and FIG. 16). The method according to claim 7 recites converting a first format of the received transaction slip data 1 into a second format based on a transmission destination. Claim 7 further recites wherein the first format of the received transaction slip data is usable by an order issuer 11 and the second format based on a transmission destination is useable by an order acceptor 12 in electronic business without a tailoring of servers of the order issuer 11 and the order acceptor 12 (see, FIG. 12, paragraph [0062]).

The subject matter of claim 7 is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

7) Claim 8

The specification supports the claimed invention in dependent claim 8 that recites a method further changing the structure data of a document to be considered including the management data. (See, paragraphs [0057]-[0060]).

The subject matter of claim 8 is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

8) Claim 9

The specification supports the claimed invention in dependent claim 9 that recites a method wherein the transaction slip data is included in an XML document. (See, paragraphs [0057]-[0060]).

The subject matter of claim 9 is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had

possession of the claimed invention.

9) Claim 10

The specification supports the claimed invention in dependent claim 10 that recites a method wherein a target of a search is changed by changing the extracting regarding a tag of the XML document (See, paragraphs. [0057]-[0060]).

The subject matter of claim 10 is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

10) Claim 11

The specification supports the claimed invention of independent claim 11 that recites a computer-readable medium storing a program to perform managing transaction slip data used in electronic commerce, by extracting structure data as a search item of a document including transaction slip data. The computer-readable medium storing a program according to claim 11 performs managing transaction slip data used in electronic commerce, by further storing the extracted structure data as management data that is correlated with the transaction slip data and searching the management data so as to extract the transaction slip data that is correlated with management data.

Claim 11 further recites transmitting the extracted transaction slip data, receiving the transmitted transaction slip data, and converting (S32) a first format of the received transaction slip data 1 into a second format based on a transmission destination (see, FIG. 3, FIG. 7 and FIG. 11). According to claim 11 the first format of the received transaction slip data is used by an order issuer 11 and the second format is based on a transmission destination that is useable by an order acceptor 12 in electronic business without a tailoring of servers of the order issuer 14 and the order acceptor 16. (see, FIG. 3 and FIG. 7, paragraphs [0037]-[0043]).

The subject matter of claim 11 is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

11) Claim 12

The specification supports claim 12 that recites a computer-readable medium according to claim 11, further comprising changing the structure data of a document to be considered including management data. (See, paragraphs [0057]-[0060]).

The subject matter of claim 12 is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

12) Claim 13

The specification supports claim 13 that recites a computer-readable medium according to claim 11, wherein the document including transaction slip data is an XML document. (See, FIG. 15, paragraphs [0011] and [0060]).

The subject matter of claim 13 is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

13) Claim 14

The specification supports claim 14 that recites a computer-readable medium according to claim 13, wherein a target of a search is changed by changing the extracting regarding a tag of the XML document. (See, paragraph [0060]).

The subject matter of claim 14 is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Summary

Claims 1-2 and 4-14 comply with 35 U.S.C. §112, first paragraph and the rejection should be withdrawn.

VII. ARGUMENT (37 CFR § 41.37(c)(1)(vii)) (cont.)

2. SECOND GROUND OF REJECTION

In the Office Action, the Examiner rejects claims 1-4 and 4-14 under 35 U.S.C. §112, second paragraph, " as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." (Office Action at page 7). The Examiner contends:

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. The claimed steps do not correspond to the description of applicant's invention, and it is difficult to determine the meets and bounds of the claims.

(Office Action at page 8).

A. The Law Regarding the Issues related by the Examiner

As set forth in 35 U.S.C. §112, second paragraph:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

As set forth in MPEP §2173.01:

The test for definiteness under 35 U.S.C. 112, second paragraph, is whether "those skilled in the art would understand what is claimed when the claim is read in light of the specification." *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576, 1 USPQ2d 1081, 1088 (Fed. Cir. 1986).

Further as set forth in the MPEP §2173.01:

A fundamental principle contained in 35 U.S.C. 112, second paragraph is that applicants are their own lexicographers. They can define in the claims what they regard as their invention essentially in whatever terms they choose so long as **>any special meaning assigned to a term is clearly set forth in the specification. See MPEP § 2111.01.< Applicant may use functional language, alternative expressions, negative limitations, or any style of expression or format of claim which makes clear the boundaries of the subject matter for which protection is sought. As noted by the court in *In re Swinehart*, 439 F.2d 210, 160 USPQ 226 (CCPA 1971), a claim may not be rejected solely because of the type of language used to define the subject matter for which patent protection is sought. . . . Accordingly, a claim term that is not used or defined in the specification is not indefinite if the meaning of the claim term is discernible. *Bancorp Services, L.L.C. v. Hartford Life Ins. Co.*, 359 F.3d 1367, 1372, 69 USPQ2d 1996, 1999-2000 (Fed. Cir. 2004) . . . if the language used by applicant satisfies the statutory requirements of 35 U.S.C. 112, second paragraph, but the examiner merely wants the applicant to improve the clarity or precision of the language used, the claim must not be rejected under 35 U.S.C. 112, second paragraph, rather, the examiner should suggest improved language to the applicant.

B. Errors in Examiner's Contention

Appellant submits that the claims particularly pointing out and distinctly claiming the subject matter and that those skilled in the art would understand what is claimed when the claim is read in light of the specification.

1) Claim 1

Independent claim 1 particularly points out and distinctly claims a managing apparatus for managing a document including transaction slip data used in electronic commerce with a database device 3 (see, FIG. 3, paragraph [0024]). The apparatus of claim 1 includes a data extracting unit 202 extracting structure data as a search item of the document including transaction slip data therefrom (see, FIG. 3, paragraph [0024]). The apparatus of claim 1 also includes a storing unit storing the structure data extracted by said data extracting unit 202 as management data 4 that is correlated with the transaction slip data 1 (see, FIG. 3, FIG. 5, and FIG. 16, paragraphs [0024], [0030], and [0031]).

Claim 1 also recites a transaction slip data extracting unit 202 searching the management data so as to extract the transaction slip data that is correlated with management data (see, FIG. 3, FIG. 5, and FIG. 16, paragraphs [0024], [0030, and [0031]). The claimed invention in claim 1 also recites a transmitting unit transmitting the transaction slip data extracted by said transaction slip data extracting unit 202 and a receiving unit 1599 receiving the transmitted transaction slip data (see, FIG. 3, FIG. 4, and FIG. 16, paragraphs [0024] and [0062]. Claim 1 also recites a converting unit 16c converting a first format of the received transaction slip data 1 into a second format based on a transmission destination (see, FIG. 3 and FIG 7, paragraphs [0037], and [0048]-[0053]).

Claim 1 also includes wherein the first format of the received transaction slip data 1 is useable by an order issuer 11 and the second format based on a transmission destination is useable by an order acceptor 12 in an electronic business transaction between the order issuer 11 and the order acceptor 12 without requiring a tailoring of servers of the order issuer 14 and the order acceptor 16 (see, FIG. 3, FIG. 7 and FIG. 8, and paragraphs [0048]-[0053]).

Claim 1 distinctly recites features so that those skilled in the art would understand what is claimed when claim 1 is read in light of the specification.

2) Claim 2

Claim 2 particularly points out and distinctly claims a managing apparatus wherein the correlation between the management data and the transaction slip data is managed with a document identifier (S15) that is common therebetween [see, FIG. 4, paragraph [0029)).

Claim 2 distinctly recites features so that those skilled in the art would understand what is claimed when claim 2 is read in light of the specification.

3) Claim 4

Dependent claim 4 particularly points out and distinctly claims a managing apparatus wherein the designation of a search item as the management data is changeable by a user {see, paragraph [0064]}.

Claim 4 distinctly recites features so that those skilled in the art would understand what is claimed when claim 4 is read in light of the specification.

4) Claim 5

Dependent claim 5 particularly points out and distinctly claims a managing apparatus wherein the document including transaction slip data is an XML document, and wherein a search item is changed by changing the designation of an extraction of an item corresponding to a tag of the XML document. (See, FIG. 15, paragraphs [0011] and [0060]).

Claim 5 distinctly recites features so that those skilled in the art would understand what is claimed when claim 5 is read in light of the specification.

5) Claim 6

Independent claim 6 particularly points out and distinctly claims a computer-readable medium 1510 storing a program that causes a computer as an information apparatus to manage transaction slip data used in electronic commerce by extracting structure data as a search item of a transaction slip data document therefrom (see, FIG. 3 and FIG. 16). The computer-readable medium storing a program recited by claim 6 causes a computer as an information apparatus to manage transaction slip data 1 used in electronic commerce by further storing the structure data extracted as management data 4 in correlation with the transaction slip data 1 (see, FIG. 6, paragraphs [0025], and [0032]-[0034]). Claim 6 further recites searching the management data so as to extract the correlated transaction slip data; transmitting the transaction slip data extracted; receiving the transmitted transaction slip data (see, FIG. 3 and FIG. 6, paragraph [0025]).

The computer-readable medium storing a program recited by claim 6 causes a computer as an information apparatus to manage transaction slip data used in electronic commerce by further converting a first format of the received transaction slip data 1 into a second format based on a transmission destination (see, FIG. 3, FIG. 9, FIG. 10, and FIG. 11, paragraphs [0048]-[0053]). Claim 6 further recites wherein the first format of the received transaction slip data 1 is useable by

an order issuer 11 and the second format based on a transmission destination is useable by an order acceptor 12 in an electronic business transaction between the order issuer 11 and the order acceptor 12 without requiring a tailoring of servers of the order issuer 14 and the order acceptor 16 (see, FIG. 3 and FIG. 7, paragraphs [0037]-[0043]).

Claim 6 distinctly recites features so that those skilled in the art would understand what is claimed when claim 6 is read in light of the specification.

6) Claim 7

Independent claim 7 particularly points out and distinctly claims a method of managing transaction slip data used in electronic commerce. The claimed invention in claim 7 further recites extracting structure data as a search item of a document including transaction slip data 1 therefrom (see, FIGs. 10 and 12, paragraph [0050] and [0055]). The method according to claim 7 recites storing the extracted structure data in a memory 3 as management data 4 that is correlated with the transaction slip data (see, paragraph [0062]) .

Claim 7 further recites searching the stored management data 4 so as to extract transaction slip data that is correlated with the management data and transmitting the extracted transaction slip data 7 over a network 1506 and receiving the transmitted transaction slip data. (see, FIG. 3 and FIG. 16). The method according to claim 7 recites converting a first format of the received transaction slip data 1 into a second format based on a transmission destination. Claim 7 further recites wherein the first format of the received transaction slip data is usable by an order issuer 11 and the second format based on a transmission destination is useable by an order acceptor 12 in electronic business without a tailoring of servers of the order issuer 11 and the order acceptor 12 (see, FIG. 12, paragraph [0062]).

Claim 7 distinctly recites features so that those skilled in the art would understand what is claimed when claim 7 is read in light of the specification.

7) Claim 8

Dependent claim 8 particularly points out and distinctly claims a method further changing the structure data of a document to be considered including the management data. (See, paragraphs [0057]-[0060]).

Claim 8 distinctly recites features so that those skilled in the art would understand what is claimed when claim 8 is read in light of the specification.

8) Claim 9

Dependent claim 9 particularly points out and distinctly claims a method wherein the transaction slip data is included in an XML document. (See, paragraphs [0057]-[0060]).

Claim 9 distinctly recites features so that those skilled in the art would understand what is claimed when claim 9 is read in light of the specification.

9) Claim 10

Dependent claim 10 particularly points out a method wherein a target of a search is changed by changing the extracting regarding a tag of the XML document (See, paragraphs. [0057]-[0060]).

Claim 10 distinctly recites features so that those skilled in the art would understand what is claimed when claim 10 is read in light of the specification.

10) Claim 11

Independent claim 11 particularly points out and distinctly claims a computer-readable medium storing a program to perform managing transaction slip data used in electronic commerce, by extracting structure data as a search item of a document including transaction slip data. The computer-readable medium storing a program according to claim 11 performs managing transaction slip data used in electronic commerce, by further storing the extracted structure data as management data that is correlated with the transaction slip data and searching the management data so as to extract the transaction slip data that is correlated with management data.

Claim 11 further recites transmitting the extracted transaction slip data, receiving the transmitted transaction slip data, and converting (S32) a first format of the received transaction slip data 1 into a second format based on a transmission destination (see, FIG. 3, FIG. 7 and FIG. 11). According to claim 11 the first format of the received transaction slip data is used by an order issuer 11 and the second format is based on a transmission destination that is useable by an order acceptor 12 in electronic business without a tailoring of servers of the order issuer 14 and the order acceptor 16 (see, FIG. 3 and FIG. 7, paragraphs [0037]-[0043]).

Claim 11 distinctly recites features so that those skilled in the art would understand what is claimed when claim 11 is read in light of the specification.

11) Claim 12

Claim 12 particularly points out and distinctly claims a computer-readable medium according to claim 11, further comprising changing the structure data of a document to be considered including management data. (See, paragraphs [0057]-[0060]).

Claim 12 distinctly recites features so that those skilled in the art would understand what is claimed when claim 12 is read in light of the specification.

12) Claim 13

Claim 13 particularly points out and distinctly claims a computer-readable medium according to claim 11, wherein the document including transaction slip data is an XML document. (See, FIG. 15, paragraphs [0011] and [0060]).

Claim 13 distinctly recites features so that those skilled in the art would understand what is claimed when claim 13 is read in light of the specification.

13) Claim 14

Claim 14 particularly points out and distinctly claims a computer-readable medium according to claim 13, wherein a target of a search is changed by changing the extracting regarding a tag of the XML document. (See, paragraph [0060]).

Claim 14 distinctly recites features so that those skilled in the art would understand what is claimed when claim 14 is read in light of the specification.

Summary

Claims 1-2 and 4-14 comply with 35 U.S.C. §112, second paragraph and the rejection should be withdrawn

VII. ARGUMENT (37 CFR § 41.37(C)(1)(VII)) (CONT.)**3. THIRD GROUND OF REJECTION**

In the Office Action, the Examiner rejects claims 1-2 and 4-14 under 35 U.S.C. §103(a) as being unpatentable over Chang.

A. The Law Regarding the Obviousness Issues related by the Examiner

To establish obviousness under §103, the Examiner must consider the claimed invention "as a whole," and the prior art must teach or suggest all of the claim features. See Manual Of Patent Examining Procedure § 2143.03 (8th ed. Rev. 2 May 2004)("MPEP"); *In re Royka*, 180 U.S.P.Q. 580, 583 (C.C.P.A. 1974); *In re Fine*, 5 U.S.P.Q.2d 1596, 1599 (Fed. Cir. 1988); *Ruiz v. A.B. Chance Co.*, 69 U.S.P.Q.2d 1686, 1690 (Fed. Cir. 2004).

The prior art . . . must also suggest the desirability of the modifications in the manner proposed by the Examiner as well as the results to be achieved (see Ex parte Costa, 211 U.S.P.Q. 636(P.O.Bd.App.1978), ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 221 U.S.P.Q. 929(Fed.Cir.1984), In re Gordon, 733 F.2d 900, 221 U.S.P.Q. 1125(Fed.Cir.1984), Lear Siegler v. Aeroquip Corp., 733 F.2d 881, 221 U.S.P.Q. 1025(Fed.Cir.1984) and Diversitech v. Century Steps, 850 F.2d 675, 7 U.S.P.Q.2d 1315(Fed.Cir.1988)).

To support a finding of obviousness based on a single reference, the single reference must suggest the desirability of modifying its disclosure as needed to accomplish the invention (see In re Gordon, 733 F.2d 900, 221 U.S.P.Q. 1125(Fed.Cir.1984), Schneck v. Gordon, 713 F.2d 782, 218 U.S.P.Q. 699(Fed.Cir.1984) and Cooper v. Ford, 748 F.2d 677, 223 U.S.P.Q. 1286(Fed.Cir.1984)).

Hindsight cannot be used in determining the issue of obviousness and the reviewer must view the prior art without reading into that art the teachings of the application or patent (see Kalman v. Kimberly Clark Corp., 713 F.2d 760, 218 U.S.P.Q. 781(Fed. Cir. 1983)).

B. Errors in Examiner's Contention**1) The Prior Art**

Chang is directed to an XML extender for a computer-implemented relational database system for storing, querying, and retrieving structured documents. Chang provides an application for storing XML documents in existent or newly created columns of a relational database table or in external files. Chang also provides an application for searching XML documents using SQL structure queries.

2) Features Not Discussed By Cited Art

a. Claim 1

Claim 1 recites a managing apparatus for managing a document including transaction slip data used in electronic commerce with a database device including "a data extracting unit extracting structure data as a search item of the document including transaction slip data therefrom; a storing unit storing the structure data extracted by said data extracting unit as management data that is correlated with the transaction slip data; a transaction slip data extracting unit searching the management data so as to extract the transaction slip data that is correlated with management data; a transmitting unit transmitting the transaction slip data extracted by said transaction slip data extracting unit; a receiving unit receiving the transmitted transaction slip data; and a converting unit converting a first format of the received transaction slip data into a second format based on a transmission destination, wherein the first format of the received transaction slip data is useable by an order issuer and the second format based on a transmission destination is useable by an order acceptor in an electronic business transaction between the order issuer and the order acceptor without requiring a tailoring of servers of the order issuer and the order acceptor. (emphasis added)."

a.1 Examiner errs in interpreting claims of the present invention

The Examiner states that the claims are interpreted to require "the applicant intends that the extracted embedded data excludes structure data, such as XML tags, metadata, etc., as in Fig. 6." (Action at page 8).

Appellant submits the Examiner errs in this interpretation. As discussed in paragraph [0066] "According to the present invention, a document structure of data elements to be searched is extracted from a document structure of a document including transaction slip data (emphasis added).

FIG. 6 of the present application illustrates "management data and content data stored in a database device" and does not exclude document structure. As discussed in paragraphs [0033]-[0034] :

As shown in Figs. 4 and 5, when transaction slip data is stored to a database device, if the transaction slip data is divided into management data 4 and content data 5 and separately stored to the database device, the database device can be searched for only the management data 4 that matches a search condition as shown in Fig. 6.

In other words, it is not necessary to search all the transaction slip data. Thus, the searching process can be performed at a high speed. Even if a

large amount of transaction slip data is stored in the data managing module 2 of an order issuer server or an order acceptor server, transaction slip data necessary for the electronic data exchanging process can be effectively searched.

As further discussed in paragraph [0050]

In the case that conversion tables 711 to 71n that contain transaction slip data format converting rules between transaction slip data of order issuers and transaction slip data of order acceptors and a conversion process controlling table 701 that correlates the conversion tables 711 to 71n and combinations of an order issuer code that identifies an order issuer in transaction slip data, an order acceptor code that identifies an order acceptor therein, a transaction slip data type that identifies the type of transaction slip data such as an estimate slip or an order slip are used in the system shown in Fig. 8, when a system that defines management data document structure information shown in Fig. 10 is used, the content of the converting process can be determined and executed with keys of the order acceptor code, the order issuer code, and the transaction slip data type as shown in Fig. 11. In Fig. 10, the system uses a format described in DTD (Document Type Definitions) of the XML as the management data document structure information.

and in paragraph [0058]

When each section of a company settles transaction slip data, each section should search transaction slip data with a key of a code that identifies each section. In the structure shown in Fig. 14, transaction slip data for sections X, Y, and Z should be extracted. Thus, in the system shown in Fig. 14, a front end server device 1201 that has the same function as an order acceptor server or an order issuer server is connected to the order acceptor server device 41 and order acceptor browsers of sections X, Y, and Z. Management data document structure information containing a section code shown in Fig. 15 is defined as management data document structure information of the front end server device 1201. In Fig. 15, as the management data, besides an order issuer code, an order acceptor code, and a slip data type, an order acceptor company section code is registered.

(Emphasis added).

a.2 Chang does not teach extracting structure data

Chang does not teach "extracting structure data as a search item of the document including transaction slip data therefrom; (and) storing the structure data extracted by said data extracting unit as management data that is correlated with the transaction slip data. (emphasis added)."

Chang also does not teach a converting so a "first format of the received transaction slip data is useable by an order issuer and the second format based on a transmission destination is useable by an order acceptor in an electronic business transaction between the order issuer and the order acceptor without requiring a tailoring of servers of the order issuer and the order acceptor (emphasis added)."

Rather, Chang merely teaches (see, for example, col. 7, starting at line 45) a converting of "UDFs 144 convert XML files into a storage format with predefined attribute values, storing XML documents internally within the DB2.RTM."

That is, Chang merely teaches taking out data contained in an XML document, and converting the data into that of a database-storage format and conducting a search of the data thus taken out.

Thus, the rejection is incorrect since none of the cited art discusses features recited by claim 1 and *prima facie* case of obviousness is not established. Therefore it is submitted that claim 1 patentably distinguishes over the prior art.

b. Claim 6

Independent claim 6 recites a computer-readable medium storing a program that causes a computer as an information apparatus to manage transaction slip data used in electronic commerce, by: "extracting structure data as a search item of a transaction slip data document therefrom; storing the structure data extracted as management data in correlation with the transaction slip data; searching the management data so as to extract the correlated transaction slip data; transmitting the transaction slip data extracted; receiving the transmitted transaction slip data; and converting a first format of the received transaction slip data into a second format based on a transmission destination, wherein the first format of the received transaction slip data is useable by an order issuer and the second format based on a transmission destination is useable by an order acceptor in an electronic business transaction between the order issuer and the order acceptor without requiring a tailoring of servers of the order issuer and the order acceptor."

Chang does not teach "extracting structure data as a search item of the document including transaction slip data therefrom; (and) storing the structure data extracted by said data extracting unit as management data that is correlated with the transaction slip data. (emphasis added)."

Chang also does not teach a converting so a "first format of the received transaction slip data is useable by an order issuer and the second format based on a transmission destination is useable by an order acceptor in an electronic business transaction between the order issuer and the order acceptor without requiring a tailoring of servers of the order issuer and the order acceptor (emphasis added)."

Rather, Chang merely teaches (see, for example, col. 7, starting at line 45) a converting of "UDFs 144 convert XML files into a storage format with predefined attribute values, storing XML documents internally within the DB2.RTM."

That is, Chang merely teaches taking out data contained in an XML document, and converting the data into that of a database-storage format and conducting a search of the data thus taken out.

Therefore, it is submitted that claim 6 patentably distinguishes over the prior art.

c. Claim 7

Independent claim 7 recites a method of managing transaction slip data used in electronic commerce, comprising: "extracting structure data as a search item of a document including transaction slip data therefrom; storing the extracted structure data in a memory as management data that is correlated with the transaction slip data; searching the stored management data so as to extract transaction slip data that is correlated with management data; and transmitting the extracted transaction slip data over a network; receiving the transmitted transaction slip data; and converting a first format of the received transaction slip data into a second format based on a transmission destination, wherein the first format of the received transaction slip data is useable by an order issuer and the second format based on a transmission destination is useable by an order acceptor in electronic business without a tailoring of servers of the order issuer and the order acceptor."

Chang does not teach a method "extracting structure data as a search item of the document including transaction slip data therefrom; (and) storing the structure data extracted by said data extracting unit as management data that is correlated with the transaction slip data. (emphasis added)."

Chang also does not teach a method converting so a "first format of the received transaction slip data is useable by an order issuer and the second format based on a transmission destination is useable by an order acceptor in an electronic business transaction between the order issuer and the order acceptor without requiring a tailoring of servers of the order issuer and the order acceptor (emphasis added)."

Rather, Chang merely teaches (see, for example, col. 7, starting at line 45) a converting of "UDFs 144 convert XML files into a storage format with predefined attribute values, storing XML documents internally within the DB2.RTM."

Therefore, it is submitted that claim 7 patentably distinguishes over the prior art.

d. Claim 11

Independent claim 11 recites a computer-readable medium storing a program to perform managing transaction slip data used in electronic commerce, by: "extracting structure data as a

search item of a document including transaction slip data; storing the extracted structure data as management data that is correlated with the transaction slip data; searching the management data so as to extract the transaction slip data that is correlated with management data; and transmitting the extracted transaction slip data; receiving the transmitted transaction slip data; and converting a first format of the received transaction slip data into a second format based on a transmission destination, wherein the first format of the received transaction slip data is used by an order issuer and the second format is based on a transmission destination that is useable by an order acceptor in electronic business without a tailoring of servers of the order issuer and the order acceptor."

Chang does not teach a medium "extracting structure data as a search item of the document including transaction slip data therefrom; (and) storing the structure data extracted by said data extracting unit as management data that is correlated with the transaction slip data. (emphasis added)."

Chang also does not teach a medium converting so a "first format of the received transaction slip data is useable by an order issuer and the second format based on a transmission destination is useable by an order acceptor in an electronic business transaction between the order issuer and the order acceptor without requiring a tailoring of servers of the order issuer and the order acceptor (emphasis added)."

Rather, Chang merely teaches (see, for example, col. 7, starting at line 45) a converting of "UDFs 144 convert XML files into a storage format with predefined attribute values, storing XML documents internally within the DB2.RTM."

Therefore, it is submitted that claim 11 patentably distinguishes over the prior art.

e. Claims 2, 4, and 5

Dependent claim 2 recites a managing apparatus as set forth in claim 1, "wherein the correlation between the management data and the transaction slip data is managed with a document identifier (S15) that is common therebetween."

Dependent claim 4 recites a managing apparatus as set forth in claim 1 "wherein the designation of a search item as the management data is changeable by a user."

Dependent claim 5 recites a managing apparatus as set forth in claim 1 "wherein the document including transaction slip data is an XML document, and wherein a search item is changed by changing the designation of an extraction of an item corresponding to a tag of the XML document

Chang does not teach a managing apparatus "extracting structure data as a search item of

the document including transaction slip data therefrom; (and) storing the structure data extracted by said data extracting unit as management data that is correlated with the transaction slip data" nor converting so a "first format of the received transaction slip data is useable by an order issuer and the second format based on a transmission destination is useable by an order acceptor in an electronic business transaction between the order issuer and the order acceptor without requiring a tailoring of servers of the order issuer and the order acceptor."

Therefore, it is submitted that claims 2, 4, and 5 patentably distinguish over the prior art.

f. Claims 8, 9, and 10

Dependent claim 8 recites a method according to claim 7, further comprising changing the structure data of a document to be considered including the management data.

Dependent claim 9 recites a method according to claim 7, wherein the transaction slip data is included in an XML document.

Dependent claim 10 recites a method according to claim 9, wherein a target of a search is changed by changing the extracting regarding a tag of the XML document.

Chang does not teach a method" extracting structure data as a search item of the document including transaction slip data therefrom; (and) storing the structure data extracted by said data extracting unit as management data that is correlated with the transaction slip data" nor converting so a "first format of the received transaction slip data is useable by an order issuer and the second format based on a transmission destination is useable by an order acceptor in an electronic business transaction between the order issuer and the order acceptor without requiring a tailoring of servers of the order issuer and the order acceptor."

Therefore, it is submitted that claim 8, 9 and 10 patentably distinguish over the prior art.

g. Claims 12, 13, and 14

Dependent claim 12 recites a computer-readable medium according to claim 11 further comprising changing the structure data of a document to be considered including management data.

Dependent claim 13 recites a computer-readable medium according to claim 11, wherein the document including transaction slip data is an XML document.

Dependent claim 14 recites a computer-readable medium "wherein a target of a search is changed by changing the extracting regarding a tag of the XML document."

Chang does not teach a computer-readable medium "extracting structure data as a search

item of the document including transaction slip data therefrom; (and) storing the structure data extracted by said data extracting unit as management data that is correlated with the transaction slip data" nor converting so a "first format of the received transaction slip data is useable by an order issuer and the second format based on a transmission destination is useable by an order acceptor in an electronic business transaction between the order issuer and the order acceptor without requiring a tailoring of servers of the order issuer and the order acceptor."

Therefore, it is submitted that claims 12, 13, and 14 patentably distinguish over the prior art.

Summary

Claims 1-2 and 4-14 patentably distinguish over the prior art and the rejection should be withdrawn

VIII. CONCLUSION

Appellant submit that claims 1-2 and 4-14 comply with 35 U.S.C. 112, first and second paragraphs and patentably distinguish over the prior art. Reversal of the Examiner's rejection is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees required in connection with the filing of this Appeal Brief to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: July 25, 2006

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IX: CLAIMS APPENDIX (37 CFR § 41.37(c)(1)(viii))

1. A managing apparatus for managing a document including transaction slip data used in electronic commerce with a database device, comprising:

a data extracting unit extracting structure data as a search item of the document including transaction slip data therefrom;

a storing unit storing the structure data extracted by said data extracting unit as management data that is correlated with the transaction slip data;

a transaction slip data extracting unit searching the management data so as to extract the transaction slip data that is correlated with management data;

a transmitting unit transmitting the transaction slip data extracted by said transaction slip data extracting unit;

a receiving unit receiving the transmitted transaction slip data; and

a converting unit converting a first format of the received transaction slip data into a second format based on a transmission destination,

wherein the first format of the received transaction slip data is useable by an order issuer and the second format based on a transmission destination is useable by an order acceptor in an electronic business transaction between the order issuer and the order acceptor without requiring a tailoring of servers of the order issuer and the order acceptor.

2. The managing apparatus as set forth in claim 1,

wherein the correlation between the management data and the transaction slip data is managed with a document identifier (S15) that is common therebetween.

3. (CANCELLED)

4. The managing apparatus as set forth in claim 1, wherein the designation of a

search item as the management data is changeable by a user.

5. The managing apparatus as set forth in claim 4,
wherein the document including transaction slip data is an XML document, and
wherein a search item is changed by changing the designation of an extraction of an item
corresponding to a tag of the XML document.

6. A computer-readable medium storing a program that causes a computer as an
information apparatus to manage transaction slip data used in electronic commerce, by:
extracting structure data as a search item of a transaction slip data document therefrom;
storing the structure data extracted as management data in correlation with the
transaction slip data;
searching the management data so as to extract the correlated transaction slip data;
transmitting the transaction slip data extracted;
receiving the transmitted transaction slip data; and
converting a first format of the received transaction slip data into a second format based
on a transmission destination, wherein the first format of the received transaction slip data is
useable by an order issuer and the second format based on a transmission destination is
useable by an order acceptor in an electronic business transaction between the order issuer and
the order acceptor without requiring a tailoring of servers of the order issuer and the order
acceptor.

7. A method of managing transaction slip data used in electronic commerce,
comprising:
extracting structure data as a search item of a document including transaction slip data
therefrom;

storing the extracted structure data in a memory as management data that is correlated with the transaction slip data;

searching the stored management data so as to extract transaction slip data that is correlated with management data; and

transmitting the extracted transaction slip data over a network;

receiving the transmitted transaction slip data; and

converting a first format of the received transaction slip data into a second format based on a transmission destination, wherein the first format of the received transaction slip data is usable by an order issuer and the second format based on a transmission destination is useable by an order acceptor in electronic business without a tailoring of servers of the order issuer and the order acceptor.

8. The method according to claim 7, further comprising changing the structure data of a document to be considered including the management data.

9. The method according to claim 7, wherein the transaction slip data is included in an XML document.

10. The method according to claim 9, wherein a target of a search is changed by changing the extracting regarding a tag of the XML document.

11. A computer-readable medium storing a program to perform managing transaction slip data used in electronic commerce, by:

extracting structure data as a search item of a document including transaction slip data;

storing the extracted structure data as management data that is correlated with the transaction slip data;

searching the management data so as to extract the transaction slip data that is correlated with management data; and

transmitting the extracted transaction slip data;

receiving the transmitted transaction slip data; and

converting a first format of the received transaction slip data into a second format based on a transmission destination, wherein the first format of the received transaction slip data is used by an order issuer and the second format is based on a transmission destination that is useable by an order acceptor in electronic business without a tailoring of servers of the order issuer and the order acceptor.

12. The computer-readable medium according to claim 11, further comprising changing the structure data of a document to be considered including management data.

13. The computer-readable medium according to claim 11, wherein the document including transaction slip data is an XML document.

14. The computer-readable medium according to claim 13, wherein a target of a search is changed by changing the extracting regarding a tag of the XML document.

15. (WITHDRAWN) A method of managing transaction slip data used in electronic commerce, comprising:

extracting data as a search item of a document including transaction slip data therefrom by an order issuer;

storing the extracted data as management data that is correlated with the transaction slip data;

searching the stored management data so as to extract transaction slip data that is

correlated with management data; and

transmitting the extracted transaction slip data over a network; and

converting the format of received transaction slip data into a format based on a format

used by an order acceptor; and

transmitting the converted transaction slip data to the order acceptor over the network.

X. EVIDENCE APPENDIX (37 CFR § 41.37(c)(1)(ix))

None.

XI. RELATED PROCEEDINGS APPENDIX(37 CFR § 41.37(c)(1)(x))

None